

REMARKS

Applicants thank Examiner Toomer for the helpful and courteous comments of October 26, 2006. The Examiner's stated that correcting the claims to address the 35 U.S.C. § 112 rejections, amending Claims 80 and 82 to include the subject matter of Claims 81 and 83 respectively, and filing a Terminal Disclaimer would overcome the rejections of record pending a final review of Applicants written response.

Applicants submit concurrently herewith a Terminal Disclaimer in view of U.S. Application No. 10/089,064. Applicants submit the Terminal Disclaimer obviates the obviousness-type double patenting rejection and respectfully requests withdrawal of this basis of the rejection.

Applicants submit the amendment to the claims overcomes the rejections under 35 U.S.C. §112 and §102.

INFORMATION DISCLOSURE STATEMENT

Applicants submit herewith a copy of the Information Disclosure Statement submitted in co-pending U.S. Application No. 10/536,401. The IDS includes a PTO-1449 listing various publications. In addition, the PTO-1449 includes a letter obtained from third party counsel. Applicants draw the Office's attention to the paragraph below which describes the priority date of the present application.

Applicants submitted a certified English translation of the priority document in the present application on June 19, 2006 perfecting Applicants' claims to priority. Applicants claim priority to German Application No. 19948114.8, having a filing date of October 6, 1999. Pending the Office's review, Applicants submit that the filing date of the German priority application is before the effective date of any of the publications cited on the PTO-1449 mentioned above.

Applicants request withdrawal of the rejections and passage of all now-pending claims to issuance.

Respectfully submitted,

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